

Remarks

Claims 44-59 are pending. Claims 44-53 are rejected. Claims 54-59 are newly added.

Double patenting

Claims 44-53 are rejected under the doctrine of judicially created obviousness-type double patenting over claims 1, 5, 7, 9, and 13 of U.S. Patent No. 6,780,424. Applicants believe the enclosed terminal disclaimer renders the rejection moot.

Rejection under 35 U.S.C. §102

Claim 44 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,610,241 to Lee et al. ("Lee").

Lee describes a graft polymer with reactive groups for linking to peptides for use in tissue engineering and to drugs to provide drug delivery systems. Lee does not describe forming a coating using a graft polymer. In addition, Lee does not describe a coating formed of a graft polymer where the main-chain segment has a different degree of solubility than the side chain segment so as to cause phase separation of the segments on the coating on the device.

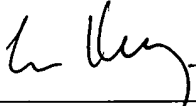
Accordingly, Claim 44 is patentably allowable over Lee under 35 U.S.C. §102(b).

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. 07-1850.

Withdrawal of the rejection and allowance of the claims are respectfully requested. **If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment.** If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

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Respectfully submitted,



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